

ORIGINAL

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- - - - -x

ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS  
RECYCLING

Defendants.

07-CV-6372

- - - - -x

150 East 42 Street  
New York, New York

December 4, 2007  
10:25 a.m.

EXAMINATION BEFORE TRIAL of ADONNA  
FROMETA, the Plaintiff in the above-entitled  
action, taken by the Defendant, pursuant to  
Order held at the above time and place,  
before NANCY NASCA, a Notary Public within  
and for the State of New York.

JAGUAR REPORTING

(718) 858-7700

A P P E A R A N C E S:

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BY: STUART A. MILLER, ESQ.

SAM9466

File # 01502.00009

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2  
3  
4 S T I P U L A T I O N S  
5  
6

7 IT IS HEREBY STIPULATED AND AGREED,  
8 by and between the attorneys for the  
9 respective parties herein, that the sealing  
10 and filing of the within deposition be  
11 waived.  
12

13 IT IS FURTHER STIPULATED AND AGREED  
14 that such deposition may be signed and sworn  
15 to before any officer authorized to  
16 administer an oath, with the same force and  
17 effect as if signed and sworn before the  
18 officer before whom said deposition is  
19 taken.  
20

21 IT IS FURTHER STIPULATED AND AGREED  
22 that all objections, except as to the form,  
23 are reserved to the time of the trial.  
24  
25

1  
2 A D O N N A F R O M E T A, the Plaintiff  
3 herein, having been first duly  
4 sworn by a Notary Public of the  
5 State of New York, was examined  
6 and testified as follows:

7 EXAMINATION BY

8 MR. MILLER:

9 Q State your name for the record,  
10 please.

11 A Adonna Frometa.

12 Q State your address for the record,  
13 please.

14 A 666 East 233rd Street apartment 1A  
15 Bronx, New York 10466.

16 Q My name is Stuart Miller. I am a  
17 lawyer with Wilson, Elser. I represent Mario  
18 Diaz-Diaz and All American Haulers  
19 Recycling. I am going to ask you several  
20 questions. I ask that you let me complete my  
21 question before you give a response. I ask  
22 that all your responses are verbal. There is  
23 a stenographer to my left, she cannot take  
24 down gestures or nods or waves. If you  
25 don't understand a question I don't want you

FROMETA

to guess. Just let me know that you don't understand the question or it does not make sense, and I will re-ask the question. If you answer a question I am going to assume that you understood the question, is that fair?

A Yes.

Q Have you ever been known by any other name?

A Yes.

Q Can you tell me what name?

A Annie, my sister's name is Annie and by brother's name is Annie. So, I changed my name when got my citizenship.

Q How do you spell Annie?

A A- n- n- i- e.

Q When did you become a citizen?

A When I was 21, I don't remember.

Q When you say you became a citizen, of the United States?

A Yes.

Q How long have you resided at 666 East 233rd Street?

A Since 2003.

1 FROMETA

2 Q Do you own or rent?

3 A I live with my mom.

4 Q What is your mother's name?

5 A Nydia.

6 Q Is Nydia her last name?

7 A Nydia is the first name. Fabian,  
8 is her last name.

9 Q Does anyone else reside in the  
10 residence with the two of you?

11 A Yes.

12 Q Who might that be?

13 A My sister.

14 Q What is her name?

15 A Annie.

16 Q Does anyone other than Annie and  
17 your mother and yourself reside at that  
18 residence?

19 A Yes, my nephew, Albert.

20 Q Anyone else?

21 A That's it.

22 Q How old is Albert?

23 A He is 14 and a half.

24 Q Is Annie your younger or older  
25 sister?

1 FROMETA

2 A Younger sister.

3 Q How long has your mom resided at  
4 that apartment?

5 A Maybe 10 years.

6 Q Prior to moving in with your  
7 mother in 2003, where did you reside?

8 A I live also in Brooklyn with my  
9 aunt.

10 Q Can you give me that address?

11 A 1752 East 9 Street, that's  
12 Brooklyn, New York.

13 Q Is there an apartment number?

14 A I don't remember the number.

15 Q Is that on a certain floor?

16 A The second floor.

17 Q What is the zip code?

18 A I'm sorry, that's the third floor.  
19 The zip code is 11205.

20 Q You said that you reside there as  
21 well. Do you currently live between both  
22 apartments?

23 A Not anymore in Brooklyn, with my  
24 mom.

25 Q When is the last time you lived in

FROMETA

Brooklyn?

A Actually, since I lived with my mom I also lived with another aunt, another one I have. She was the one taking care of me because too because my mom is not well to take care of me and my sister is mentally, mentally ill and cannot take care of me.

Since the accident I stay with my aunt on 433, sorry, 488 Myrtle Avenue.

Q Can you spell that?

A M- y- r- t- l- e Avenue, that's Brooklyn, New York.

Q What is the zip code?

A 11205, the other one is -- I don't remember the other zip code.

Q I zip code 11205, is that the one for 488 Myrtle Avenue?

A Yes.

Q The prior address on East 9th Street on the third floor, you do not recall at this time that zip code, is that correct?

A Yes.

Q So the record is clear, what is the name of your aunt that resides at 488



1 FROMETA

2 Myrtle Avenue?

3 A Eva.

4 Q What is her last name?

5 A Sanchez.

6 Q What is your aunt's name that  
7 rides at 1752 East 9th Street?

8 A Gladys Medina.

9 Q Is it fair to say that you  
10 currently reside at both apartments, the one  
11 on 666 East 233rd Street as well as 488  
12 Myrtle Avenue?

13 A Yes, I spend sometime with my mom,  
14 two or three days a week. The rest I stay at  
15 448. So, I spends two or three or four days  
16 there and around also three or four days  
17 with my mom.

18 Q Are there any other addresses you  
19 spend your time?

20 A No.

21 Q Are you married?

22 A I was married.

23 Q Are you currently married?

24 A No.

25 Q When did you get divorced?

1 FROMETA

2 A I think I was 21.

3 Q What is your date of birth?

4 A 3/25/68.

5 Q Is it fair to say you got divorced  
6 over 5 years ago?

7 MR. PLATTA: Sorry?

8 MR. MILLER: Is it fair to  
9 say that she got divorced over 5  
10 years ago. Off the record.

11 (Whereupon, a discussion  
12 was held off the record.)

13 Q Have you been divorced over 5  
14 years?

15 A Yes.

16 Q Do you still see your ex-husband?

17 A No.

18 Q Other than your sibling Annie,  
19 your sister Annie, you said you have a  
20 brother named Annie. Do you have any other  
21 siblings named Annie?

22 A Now that you mention it, when I  
23 got married I learned that he had a son  
24 named Annie, and a girl named Annie, and a  
25 dog named Annie, and that is why I changed

FROMETA

my name.

Q Where were you born?

A I was born in Dominican Republic.

Q When did you move to the United States?

A In 1978, around September.

Q Did you pursue citizenship at the age of 21?

A Yes.

Q Do you own a car currently?

A Yes.

Q Can you tell me what type of car you own?

A Toyota Ford Runner, 2001.

Q Did you own this Toyota Ford Runner on February 14, 2007?

A Yes, sir.

Q Back in the year of 2007, prior to February 14th, where did you park this vehicle on a regular basis?

MR. PLATTA: Do you mean in the city, home?

MR. MILLER: I want to find out. Strike that.

FROMETA

Q In the evening when you came home,  
when you are staying at the location of 666  
East 233rd Street, where did you keep your  
vehicle?

A On the street, maybe a block or  
two, wherever I find parking.

Q Street parking?

A Yes.

Q Did you also find street parking  
when you would spend time at 1752 East 9th  
Street?

A Yes, sir.

Q Would you also find street parking  
when you spend time at 488 Myrtle Avenue?

A Yes.

Q Did you ever have monthly garage  
parking?

A Not I that remember, no.

Q Were you employed in 2007?

A Yes.

Q What was your occupation?

MR. PLATTA: Over  
objection. You can answer.

A Independent contractor.

1 FROMETA

2 Q What kind of work did you do as an  
3 independent contractor?

4 MR. PLATTA: Over  
5 objection. You can answer.

6 A I waitress and sometimes I would  
7 dance.

8 Q Where would you waitress?

9 A Rick's.

10 MR. PLATTA: Objection.

11 Q Where is Rick's located?

12 A 33rd Street between Broadway and  
13 Fifth.

14 Q Is Rick the owner or is that the  
15 name of the establishment?

16 MR. PLATTA: Objection. You  
17 can answer, if you know.

18 A That's the name of the place.

19 Q Where did you dance?

20 MR. PLATTA: Objection. You  
21 can answer.

22 A At Rick's.

23 Q Is Rick's an adult establishment?

24 MR. PLATTA: Objection. You  
25 can answer.

1 FROMETA

2 A Yes.

3 Q Were you a topless dancer?

4 MR. PLATTA: Objection. You  
5 can answer.

6 A Yes.

7 Q Do you currently dance at Rick's?

8 A No.

9 Q Do you currently dance anywhere?

10 A No.

11 Q When is the last time you danced?

12 MR. PLATTA: Objection.

13 You can answer.

14 A Probably three weeks after the  
15 accident, up until maybe four. But just no  
16 longer than 5 hours, due to pains and aches.

17 MR. MILLER: I move to  
18 strike the portions of the testimony  
19 that are not responsive.

20 WITNESS: Sorry, what is  
21 that?

22 MR. PLATTA: The objection  
23 is just for the record.

24 Q When is the last time you  
25 waitressed?

1 FROMETA

2 A Just three weeks after the  
3 accident?

4 Q Have you been employed in any  
5 capacity in terms of work or payments at any  
6 time, since the time you stopped dancing or  
7 waitressing at Rick's?

8 A Repeat that.

9 Q I will ask it a different way. You  
10 testified that you stopped waitressing and  
11 dancing three or four weeks after the  
12 accident. After working at Rick's have you  
13 done any other work since that time?

14 A No, sir.

15 Q Have you earned any income since  
16 that time?

17 A I did work for a private jet, for  
18 Excel Air as a private flight attendant. I  
19 finally got called. That is why I was  
20 dancing in the mean time, until I got  
21 called.

22 MR. PLATTA: Answer  
23 without volunteering information.

24 Q Currently do you work for Excel  
25 Air?

FROMETA

A No.

Q When is the last time you worked  
for Excel Air?

A Just two weeks after the accident.

Q How long did that last?

A They are still waiting for me.  
They want me to finish my surgery. I am not  
working for them now but they are waiting  
for me.

Q So I understand, this incident  
that brought you here today for this lawsuit  
occurred in February, February 14th 2007?

A Yes.

Q You testified that following this  
incident of February 14, 2007 you waitressed  
for three or four weeks at Rick's, and you  
stopped waitressing?

A Yes.

Q You also testified you worked for  
three or four weeks following the February  
14th incident as a topless dancer at Rick's,  
and you stopped dancing there?

MR. PLATTA: Objection.

Over objection you can answer.



FROMETA

A Yes.

Q Two weeks after the February 14th 2007 accident you were a private flight attendant for Excel Air?

A Yes.

Q How many flights did you do at Excel Air, since the February 14th 2007 incident?

A No more than ten flights.

Q Those flights are in a matter of two weeks or a month?

A Just two weeks.

Q Other than waitressing and topless dancing and being a flight attendant, is there any other post February 14, 2007 employment that you have had?

A No.

Q What time did this incident happen on February 14, 2007?

A I don't remember the time but I remember I left work at 4:00 o'clock, that's the time they close. It happened, I know when I open my eyes, it was time missing from when I open my eyes. From the accident

1 FROMETA

2 there was time missing because I blacked  
3 out.

4 MR. MILLER: I move to  
5 strike the portions of the testimony  
6 that are not responsive.

7 MR. PLATTA: Answer the  
8 question yes or no.

9 Q Do you know what time the incident  
10 occurred?

11 MR. PLATTA: You can  
12 approximate.

13 A I don't remember.

14 Q Were you working at Rick's the  
15 night before the incident, February 13th  
16 going into February 14th?

17 MR. PLATTA: Objection. You  
18 can answer.

19 A Yes, sir.

20 MR. MILLER: What is the  
21 reason for the objection?

22 MR. PLATTA: This is  
23 prejudicial. I am just preserving my  
24 objection.

25 MR. MILLER: I am trying to

FROMETA

locate where the plaintiff was at the time of the incident, where she was going to and where she was coming from. What type of day she had, if it was long or short or if she had an aggravating day. The line of questioning is not privileged or prejudicial.

Q What time did you show up to Rick's on February 13th 2007?

MR. PLATTA: Objection.

Over objection you can answer.

A I don't remember, but around 9:00 o'clock.

Q Is Rick's the full name of the establishment?

MR. PLATTA: Objection.

Over objection you can answer.

A Cabaret Gentlemen's Club.

Q You just testified that you started work at Rick's Cabaret Gentlemen's Club at 9:00, is that a.m. or p.m?

MR. PLATTA: Objection.

A P.m.

Q Did you show up to Rick's Cabaret

1 FROMETA

2 Gentlemen's Club to waitress or dance for  
3 patrons, or something else?

4 MR. PLATTA: Objection.

5 A Dancing.

6 Q Did you dance at Rick's Cabaret  
7 Gentlemen's Club on February 13, 2007 when  
8 you arrived, the 13th going into the 14th?

9 MR. PLATTA: Objection.

10 A Yes.

11 Q This is as a topless dancer?

12 MR. PLATTA: Objection.

13 A Yes.

14 Q Did you dance the entire shift at  
15 Rick's Cabaret Gentlemen's Club, until the  
16 time it closed on February 14th 2007?

17 MR. PLATTA: Objection.

18 A Yes.

19 MR. PLATTA: I ask that  
20 you wait until I make my objection.

21 Q Did you have any alcohol to drink  
22 on February 13th going into February 14th  
23 2007, during your shift at Rick's Cabaret  
24 Gentlemen's Club?

25 A I don't remember.

1 FROMETA

2 Q Is it customary for customers to  
3 purchase drinks for you while you are  
4 working as a topless dancer at Rick's  
5 Cabaret Gentlemen's Club?

6 A Yes.

7 MR. PLATTA: Objection.

8 Q Would there be any records at  
9 Rick's Cabaret Gentlemen's Club as to drinks  
10 that were purchased by patrons for you, in  
11 the regular course of business?

12 MR. PLATTA: Objection.

13 A Yes.

14 Q Does management of Rick's Cabaret  
15 Gentlemen's Club encourage dancers to get  
16 patrons to purchase drinks for them?

17 MR. PLATTA: Objection.

18 Q As a topless dancer for Rick's  
19 Cabaret Gentlemen's Club, are you encouraged  
20 by management of Rick's to have customers  
21 buy drinks for you?

22 MR. PLATTA: Objection.

23 A No.

24 Q Does management record how many  
25 drinks are purchased on your behalf?

1 FROMETA

2 MR. PLATTA: Objection. You  
3 can answer.

4 A No.

5 Q Do you remember who the bartender  
6 was on February 13th going into February  
7 14th 2007?

8 A No.

9 Q Do you recall who the cocktail  
10 waitresses were on February 13th going into  
11 February 14th 2007, at Rick's Cabaret  
12 Gentlemen's Club?

13 MR. PLATTA: Objection.  
14 You can answer.

15 A No.

16 Q So the record is clear, I am going  
17 to ask the question again. I want to pin  
18 point on the 13th or 14th or both.

19 Ma'am, on that shift, February  
20 13th going into February 14th, did you drink  
21 any alcohol?

22 MR. PLATTA: Objection.  
23 Asked and answered.

24 A No.

25 Q No or you don't know?

1 FROMETA

2 A I don't remember.

3 Q Your vehicle, the Toyota Ford  
4 Runner, was that an automatic or stick  
5 shift?

6 A Automatic.

7 Q Where did you park your vehicle on  
8 February 14th 2007?

9 A Are you saying when I went to work  
10 or after?

11 Q I will ask the question again.  
12 When you arrived to work at Rick's Cabaret  
13 Gentlemen's Club on February 13th 2007, did  
14 you park your vehicle on the street?

15 A Yes.

16 Q Can you tell me what street you  
17 parked your vehicle on?

18 A 33rd Street, between Broadway and  
19 Fifth.

20 Q 33rd between Broadway and?

21 A Fifth.

22 Q When you finished your shift on  
23 February 14th 2007 at Rick's Cabaret  
24 Gentlemen's Club, where was your vehicle  
25 parked?

1 FROMETA

2 A Almost across the street from  
3 Rick's.

4 Q Did someone move it?

5 A No.

6 Q The vehicle was at the same  
7 location that you parked it when you first  
8 arrived at Rick's on February 13th 2007?

9 A Yes.

10 Q What side of the street was it  
11 parked on?

12 A Sorry.

13 Q What side of the street was it  
14 parked on?

15 A The north side.

16 Q Was that on the same side as  
17 Rick's Cabaret Gentlemen's Club?

18 MR. PLATTA: Objection.

19 A No, Rick's is on the south side.

20 Q Was this directly across the  
21 street from Rick's Cabaret Gentlemen's Club?

22 A Not really, maybe -- not really,  
23 a little bit closer to Broadway.

24 Q Were there meters?

25 A I don't remember.



1 FROMETA

2 Q How long had you danced or  
3 waitressed at Rick's Cabaret Gentlemen's  
4 Club, prior to February 13th 2007?

5 MR. PLATTA: Objection.

6 A Can you repeat that again?

7 Q Prior to this incident how long  
8 had you been dancing or waitressing at  
9 Rick's Cabaret Gentlemen's Club?

10 MR. PLATTA: Over  
11 objection.

12 A Maybe about three or four months.

13 Q You parked there each day that you  
14 worked?

15 A Yes, maybe a little bit somewhere  
16 between another block going east on 33rd  
17 Street, but going more east.

18 Q Did you take any passengers in  
19 your vehicle when you left Rick's Cabaret  
20 Gentlemen's Club, on February 14th 2007?

21 A No, sir.

22 Q You were alone at the time?

23 A Yes, sir.

24 Q The establishment closed at 4:00  
25 p.m?

1 FROMETA

2 A Sorry?

3 Q The establishment closed at 4:00  
4 p.m?

5 A A.m.

6 Q The establishment closed at 4:00  
7 a.m?

8 A Yes.

9 Q To your recollection and your  
10 testimony today you worked until the  
11 establishment closed?

12 A Until 4:00 o'clock.

13 Q After the established closed did  
14 you spend any time there or did you  
15 immediately leave?

16 A I immediately leave.

17 Q Do you remember what the weather  
18 was like on February 14th 2007?

19 A The worse ever, it was ice, snow,  
20 and rain, and windy.

21 Q Can you describe what the snow  
22 levels were on the ground, was it 1 inch, 2  
23 inches, 5 inches, or something else?

24 A I don't recall.

25 Q At the time was heavy snowfall

1 FROMETA

2 precipitation going on?

3 A Fair.

4 Q Did you have to clean off your  
5 car?

6 A I did.

7 Q How did you clean it off?

8 A With the thing that I have inside  
9 to clean the car all over so I don't get a  
10 ticket, whatever that is, a brush.

11 Q A car brush?

12 A Yes.

13 Q Can you tell me the route you took  
14 when you left Rick's Cabaret Gentlemen's  
15 Club, leading up to this incident?

16 A Yes. I went, I got in the car and  
17 put the blinker. I am on 33rd Street. I  
18 made sure it was safe to proceed on 33rd  
19 Street onto Broadway. On Broadway I put my  
20 blinker. I made a left turn going south,  
21 and while I am on Broadway I made a turn on  
22 Broadway slight, going to fork there. I  
23 don't know how to say that, going into Fifth  
24 Avenue. On Fifth Avenue I made another left  
25 turn going into 23rd Street. There is a red

FROMETA

1  
2 light there. I put the blinker going to  
3 23rd Street, I turn. I was on the middle  
4 lane, the middle lane of 23rd Street. There  
5 is Madison Avenue, there is a red light  
6 there. I was there for about 20 seconds, 30  
7 seconds. I proceeded in the middle lane. I  
8 was going 15 or 20 miles an hour. I noticed  
9 when I was going in the middle lane of 23rd  
10 Street, I was passing already Madison. I  
11 notice a dark color garbage truck, two guys  
12 putting garbage there. I proceeded going  
13 there in the middle lane. It was no more  
14 cars, at least I remember. Then I saw it  
15 was Park Avenue South, and it is safe to  
16 keep going, it was a green light. I am  
17 still in the middle lane. After Park Avenue  
18 South there is a while, I was going between  
19 Park Avenue South, and before Lexington I am  
20 in the middle of the block, in the middle  
21 lane. I recall a car that was double-parked  
22 ahead of me. I was half a block away. I  
23 recall the car double-parked and I looked in  
24 the mirror and put my blinker. I recall it  
25 was safe to move to the left. I proceeded

FROMETA

slowly, at the time this light changed into red, and I stopped there for about 5 seconds. Then suddenly within 5 seconds standing there I just remember everything happened too quickly. I heard a loud noise and a big light was inside the car, I don't know why. I got hit, I wanted to look back to see what hit me extremely too hard. It was so hard I am not able to turn, and it hit me again. I black out. I remember nothing else.

MR. MILLER: I move to strike the entire answer as not responsive.

MR. PLATTA: Can you read back the question?

(The requested question was read back by the reporter.)

MR. PLATTA: I believe it was responsive. The route she took and events that happened that night.

MR. MILLER: For the record, if counsel is going to give a position whether or not something is accurate or not then submit himself as a

FROMETA

witness, unless he was present. I don't believe counsel was present that night and can't state what is accurate.

MR. PLATTA: I don't think my credibility or veracity is at issue here.

MR. MILLER: Counsel is constantly stating his position on the statements provided by his witness. I submit that he produce himself at a deposition.

MR. PLATTA: Taken under advisement. Following-up in writing.

Q Ma'am, had the accident not occurred where did you intend to go?

A Sorry?

Q Had the incident not occurred where were you planing on driving to?

A To my aunt in Brooklyn because she lives closer than my mom.

Q Which aunt, Eva or Gladys?

A Eva.

Q What were the weather conditions like on February 13th when you arrived to work at Rick's Cabaret Gentlemen's Club?

1 FROMETA

2 A I don't recall.

3 Q Was it snowing?

4 A A little bit, but I don't remember  
5 too heavy. I don't remember. I don't  
6 recall.

7 Q Ma'am, you testified that you  
8 don't recall and you testified it was  
9 snowing.

10 A I left home it was clear. I was  
11 watching the news and it said it was going  
12 to be bad. I knew it was going to be bad but  
13 not until morning. When I got to work it was  
14 snowing, but light.

15 MR. MILLER: I move to  
16 strike as not responsive.

17 Q Everything I ask you about is your  
18 recollection, not your recollection whether  
19 you watched the news cast.

20 My question is, do you recall what  
21 the weather was like when you arrived at  
22 work?

23 A No.

24 MR. PLATTA: Objection.  
25 She already testified that is was slightly

1 FROMETA

2 snowing.

3 MR. MILLER: That is what I  
4 am trying to get at. She first testified  
5 she does not recall. Then she testified it  
6 was slightly snowing, that's a  
7 contradiction.

8 MR. PLATTA: That is not a  
9 contradiction. Was it slightly snowing?

10 WITNESS: It was slightly  
11 snowing.

12 Q You recall that it was slightly  
13 snowing?

14 A Yes.

15 Q Do you recall how long it was  
16 slightly snowing, prior to your arrival at  
17 Rick's Cabaret Gentlemen's Club?

18 A No.

19 Q Where were you coming from when  
20 you went to work that day?

21 A From my mother's.

22 Q Was it snowing when you left your  
23 mother's apartment?

24 A No.

25 Q But it was slightly snowing when



FROMETA

you arrived at Rick's Cabaret Gentlemen's Club?

A Yes.

Q Sometime between leaving 666 East 233rd Street and arriving at Rick's Cabaret Gentlemen's Club on 33rd near Broadway, the snow had began?

A Yes.

MR. PLATTA: Off the record.

(Whereupon, a discussion was held off the record.)

MR. MILLER: Do you want to take a break?

MR. PLATTA: I have a 2:00 o'clock with an interpreter scheduled.

MR. PLATTA: Fine.

(Whereupon, a brief recess was taken.)

MR. PLATTA: I made a statement and advised counsel I will make an objection with regard to every time the name Rick's Cabaret Gentlemen's Club was used. I move to strike this portion of the record

1 FROMETA

2 each time the name is used. I feel it is  
3 prejudicial to my client. I will raise the  
4 objection each the name is used, including  
5 preserving my right at the time of trial.

6 MR. MILLER: Your

7 objection is noted.

8 Q Was it your intention when you  
9 left Rick's Cabaret Gentlemen's Club to go  
10 to your aunt Eva's house directly, or were  
11 you going to stop somewhere?

12 A Directly, yes.

13 Q Ma'am, you testified that you were  
14 at a red light prior to impact, is that  
15 correct?

16 A Yes.

17 Q You were at a red light on 23rd  
18 Street facing Lexington?

19 A East, facing east, on 23rd.

20 Q Facing east as if you are going to  
21 cross Lexington?

22 A Yes.

23 Q Or turn right on Lexington?

24 A No, going to keep straight on  
25 Lexington.

1 FROMETA

2 Q Had you not been in an incident,  
3 can you tell me where you would have begun  
4 the route that you would have taken?

5 A The same route, was the safe one  
6 that I take, the safest.

7 Q Which route would that be?

8 A 23rd Street.

9 Q To where?

10 A To the West Side Highway.

11 Q You were east on 23d Street going  
12 to the West Side Highway?

13 MR. PLATTA: Do you  
14 understand what he is asking? Off the  
15 record.

16 (Whereupon, a discussion was  
17 held off the record.)

18 A Sorry. I was going east to my  
19 aunt's. I have to go over the Brooklyn  
20 Bridge, that would be the FDR.

21 MR. PLATTA: I want to  
22 clarify which way she was going to take  
23 after 23rd Street.

24 MR. MILLER: Would you  
25 rather just testify for her?

1 FROMETA

2 MR. PLATTA: No, I want to  
3 clarify the record. Do you want her to  
4 clarify that?

5 WITNESS: Yes, I am on 23rd  
6 Street going east to the FDR.

7 Q Which direction of the FDR would  
8 you have headed, if this incident had not  
9 occurred?

10 A Towards the Brooklyn Bridge.

11 Q Would that be north or south on  
12 the FDR?

13 A That would be south.

14 Q Do you recognize the phone number  
15 718 881-3716?

16 A Yes.

17 Q Whose number is that?

18 A That's my mom.

19 Q Do you know whether your mother  
20 was called after this incident?

21 A I called her.

22 Q Did you ever lose consciousness  
23 after your vehicle was struck?

24 A Yes, I did, for a few minutes.

25 Q Did the police arrive at the

FROMETA

scene?

A Not right away, maybe after I called 911. When I woke up I didn't realize where I was. I was shaking. I didn't know where I was.

Q Did you speak to the driver of the other vehicle?

A That's what woke me up, there was someone knocking. I thought I was at home and someone was knocking at the door when I was sleeping. I woke up and realized something happened. He was saying, "hello, hello." I got scared. At that point I put the window down. I am shacking, my whole body was shaking uncontrollably. My neck was stiff, my back hurt, my neck hurt. I felt --

Q I am going to cut you off. Just answer the question.

MR. MILLER: I move to strike the entire portion of the answer as not responsive. Can you read back the question?

(The requested question

1 FROMETA

2 was read back by the reporter.)

3 Q The question I asked is if you  
4 spoke to the driver of other vehicle, not  
5 how you felt, not if you felt stiff. I am  
6 not asking about pain or blacking out. All  
7 I am asking you, did you speak to the driver  
8 of the other vehicle?

9 MR. PLATTA: The other  
10 vehicle, the one that hit her.

11 MR. MILLER: Would you  
12 like to testify? I am talking about  
13 the vehicle in fact according to the  
14 testimony of your witness.

15 A I don't know if it was the other  
16 guy from the other vehicle. There was a man  
17 standing on my door knocking. I don't know  
18 who it was.

19 Q Did you ever come to learn the  
20 identity of the man?

21 A No.

22 Q Was it more than one man?

23 A I don't know.

24 Q Was it at least one?

25 A One by the door, yes.

FROMETA

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Q What did he look like?

A Kind of short, that's it.

Q Was he Spanish, was he White,  
Black, Asian?

A He told me he was Dominican,  
that's all he told me. That's all I  
remember.

Q Did you speak to him in English?

A He spoke to me in Spanish, maybe  
both languages. I don't remember.

Q From the time that you came to  
talk with him, until the time the police  
arrived, can you tell me how much time  
elapsed?

A Maybe 10 minutes.

Q Did you get out of your vehicle,  
prior to the police arriving?

A No, sir.

Q Did an ambulance arrive?

A Sorry.

Q Did an ambulance arrive?

A Yes.

Q Did the ambulance arrive before or  
after the police, or at the same time?

1 FROMETA

2 A Almost the same time, one behind  
3 the other one.

4 Q Who assisted you out of the  
5 vehicle, if anyone?

6 A Two ladies.

7 Q What two ladies?

8 A I don't know who they were.

9 MR. PLATTA: Were they  
10 working for the ambulance?

11 WITNESS: They were working  
12 for the ambulance, yes.

13 Q Did you get their identities?

14 A No.

15 Q Do you know of any eyewitness to  
16 this incident?

17 A No.

18 Q This vehicle that struck you, you  
19 testified struck you in the rear. Is this  
20 the same vehicle that you passed on 23rd  
21 Street when you were passing Madison?

22 A No, I don't know. I don't know.

23 Q Can you describe the vehicle that  
24 struck you?

25 A I don't know because when I



FROMETA

stepped out the two ladies were holding me.  
I looked and it was a dark big truck, that's  
what I remember. Then they put me inside the  
ambulance and they strapped me.

Q Were you taken to a hospital?

A Yes.

Q What hospital were you taken to?

A Cabrini, on 19th Street.

Q Were you taken into the emergency  
room?

A Yes, sir.

Q Do you know what time you arrived  
at Cabrini?

A I don't remember.

Q Do you recall what type of  
diagnostic testing they did on you in the  
emergency room?

A They did a CAT Scan.

Q Other than a CAT Scan, do you know  
if any diagnostic images or films were done  
to any part of your body?

A No, I don't remember.

Q Were you admitted into the  
hospital?

1 FROMETA

2 A Admitted means?

3 Q Were you sent home from the  
4 emergency room or were you admitted as an  
5 inpatient in the hospital, at Cabrini?

6 A I don't understand the question.

7 Q Were you given a room as an  
8 inpatient at Cabrini?

9 A No.

10 Q Did you go home on February 14th?

11 A Yes.

12 Q Where did you go, which home did  
13 you go to?

14 A To my aunt, the one closer, over  
15 the Brooklyn Bridge.

16 Q What time did you go home, this is  
17 February 14th, from the hospital?

18 A I don't remember. I know I was in  
19 the hospital. I don't remember what time.

20 Q Immediately following the impact  
21 did you call anybody?

22 A Not immediately. The impact, when  
23 I came out of the blackout the first thing I  
24 did was call 911.

25 Q After you called 911 did you call

FROMETA

anybody else?

A I called my aunt, she didn't pick up. Then I called my mom, she did pick up, my mom.

Q After you called your mother did you call anyone else?

A No, I kept trying to make a phone call but my phone was already damaged. It was damaged from water and stuff going in it. It was not working.

Q The damage from water, was that water as a result of this incident?

A No, from coffee.

Q Did you call anyone from Rick's Cabaret Gentlemen's Club, following the incident?

MR. PLATTA: Objection.

A I don't remember. I don't carry a cell phone in the club.

Q Did you call anyone in Rick's Cabaret Gentlemen's Club advising them of the accident?

MR. PLATTA: Objection.

A Yes, not the same day, maybe three

1 FROMETA

2 or four days later.

3 Q Who did you speak to at Rick's  
4 Cabaret Gentlemen's Club?

5 MR. PLATTA: Objection.

6 MR. MILLER: You noted your  
7 standing objection. Just let her answer the  
8 question. Let's move on.

9 MR. PLATTA: I note my  
10 objection to every time you use the words  
11 Rick's Cabaret Gentlemen's Club.

12 MR. MILLER: I am happy to  
13 note that you have a standing objection to  
14 it.

15 MR. PLATTA: Would you  
16 stipulate to that?

17 MR. MILLER: I stipulate  
18 that you have an objection. Not that it is  
19 prejudicial to your client.

20 MR. PLATTA: Correct.

21 Q Ma'am, who did you speak with at  
22 Rick's Cabaret Gentlemen's Club?

23 A I don't remember.

24 Q Do you recall who the manager of  
25 Rick's Cabaret Gentlemen's Club was?

FROMETA

A No, I don't remember.

Q Why did you call them?

A To tell them that I am not coming to work, that something happened.

Q How did you get home from the hospital on February 14th?

A I took a taxi.

Q Did anyone accompany you?

A No, I felt dazed and confused.

Q Did anyone come to see you at the hospital?

A No.

Q Do you know what time you left Cabrini's emergency room?

A Any time after 12:00.

Q 12:00 noon?

A I think, I don't remember.

Q Do you recall what diagnoses they told you had, following your examination in the emergency room?

A I am sorry. What was that?  
Forgive me, my neck hurts. I have to lean back.

MR. MILLER: I move to

1 FROMETA

2 strike the colloquy.

3 Q Did they tell you that you were  
4 injured, in the emergency room?

5 A Yes.

6 Q What did they tell you was  
7 injured?

8 A My neck, lower back, and they  
9 could see in the CAT Scan that my spinal  
10 cord was not in the middle but it was off,  
11 that I would have to come up for follow-up.

12 Q Did they discharge you out of the  
13 emergency room after telling you that  
14 information?

15 A From after, I don't know. The  
16 emergency room CAT Scan, go back to the  
17 emergency room, then I went home.

18 Q Did they send you home in a neck  
19 or back brace or any type of medical device?

20 A No. I don't remember, no.

21 Q When was the next time you sort  
22 medical treatment after you left Cabrini  
23 Medical Center?

24 A Probably nine days after the  
25 accident.

FROMETA

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Q Nine days?

A Nine days after the accident.

Q Were you wearing a seat belt?

A Yes.

Q Nine days after the accident when  
you sort follow-up medical treatment, where  
did you go?

A Sorry?

Q Where did you go following the  
nine day span, after your incident?

A I went for treatment. I went to  
43rd Street, Dr. Albert Villafuerte.

Q What kind of doctor is Dr.  
Villafuerte?

A Can I look in my purse to show  
you, I have a business card?

Q Sure, with your counsel's  
permission.

MR. PLATTA: I prefer that  
you testify from your memory.

A Neurologist, neck and back.

Q How long did you go to Dr.  
Villafuerte?

A I was going there for five weeks.

1 FROMETA

2 Q Who referred you to Dr.  
3 Villafuerte?

4 A My aunt.

5 Q Have you ever seen Dr.  
6 Villafuerte, prior to the February 14th  
7 incident?

8 A No, sir.

9 MR. MILLER: I am going to  
10 ask on the record, I am going to make a  
11 demand that medical authorizations be  
12 provided for copies of medical records from  
13 Dr. Villafuerte be provided, a neurologist.  
14 None was part of the 26A rules discloser.  
15 His name and information has oddly been left  
16 off.

17 MR. PLATTA: For the  
18 record, medical PC authorizations was  
19 provided with plaintiff's response, Midtown  
20 Medical Practice.

21 MR. MILLER: I stand  
22 corrected.

23 Q Where was his address located?

24 A 43rd Street, I think between  
25 Madison or Park, something like that.



1 FROMETA

2 Q You had no medical treatment from  
3 February 14th until nine days later when you  
4 saw Dr. Villafuerte?

5 A What was the question?

6 MR. PLATTA: Objection.

7 Asked and answered.

8 A No, I didn't have any treatment.

9 Q You testified earlier that you  
10 continued to waitress and dance at Rick's  
11 Cabaret Gentlemen's Club for three to four  
12 weeks after the loss?

13 A Only about 4 or 5 hours, I had to  
14 go home.

15 MR. PLATTA: Objection.

16 Asked and answered.

17 Q Did you dance seven days a week?

18 MR. PLATTA: Over

19 objection.

20 A No, five days a week.

21 Q Did you dance on February 15th  
22 2007?

23 A No, I was stiff at home.

24 Q Do you know the first day you went  
25 back to dancing?

1 FROMETA

2 MR. PLATTA: Objection.

3 A Probably a week or two weeks  
4 after. I was between flying and dancing,  
5 but it was light.

6 Q You testified earlier you danced  
7 three or four weeks after the accident. Now  
8 you testified a week or two later.

9 A Because it's free-lancing, I can  
10 go when I want. Not whenever, once I am  
11 there I have to go 8 hours and leave. I can  
12 go one day a week, I free-lance.

13 Q Do you keep any records of the  
14 days that you danced?

15 A No.

16 Q Did you sign anything or punch in  
17 when you arrived at Rick's Cabaret  
18 Gentlemen's Club?

19 A No.

20 Q Do you have any records when you  
21 flew for Excel Air during the time, after  
22 this incident?

23 A No.

24 Q Do you know the address for Excel  
25 Air?

1 FROMETA

2 A No, it's in Long Island.

3 Q Do you have anything at home that  
4 has the address and contact information?

5 A I don't think so, no.

6 Q How are you compensated by Excel  
7 Air?

8 A Check.

9 Q Do you maintain any check stubs?

10 MR. PLATTA: Objection.

11 You can answer.

12 A Probably there, I probably have  
13 something.

14 MR. MILLER: I ask that  
15 you provide counsel a copy of your Excel Air  
16 paycheck for the purpose of obtaining the  
17 address and proper corporate identity. I  
18 also ask for authorizations for the records,  
19 for the purpose of not lost earnings, for  
20 the purpose of her schedule and when she  
21 might have worked.

22 MR. PLATTA: I agree to  
23 provide attendance records regarding her  
24 employment. However, any records regarding  
25 wages will not be provided.

1 FROMETA

2 MR. MILLER: Fair enough.

3 MR. PLATTA: I ask that  
4 you follow-up in writing.

5 MR. MILLER: Sure.

6 Q What did Dr. Villafuerte tell you  
7 after his initial examination, approximately  
8 nine days after this incident?

9 A He said according to that I will  
10 keep treatment for five weeks. He cannot  
11 tell anything yet for another two months  
12 what is going to happen, only until he  
13 receives the MRI.

14 Q Did he send you for an MRI?

15 A Yes.

16 Q Where did he send you?

17 A 77th Street, 77th or 75th Street  
18 and Third Avenue.

19 Q Would that be Stand Up MRI Of  
20 Manhattan?

21 A Yes.

22 Q How often would you go to Dr.  
23 Villafuerte?

24 A I was there for five weeks then he  
25 would give me a appointment maybe four

FROMETA

times.

Q Approximately once a week for  
four, five weeks?

A About once a week I have to say.

Q Did he refer you to any other  
doctors?

A Yes.

Q Who did he refer to you?

A He referred me to Dr. Kaisman.

Q Is that Arden Kaisman at 51 East  
25th Street?

A Yes.

Q What kind of doctor is Dr.  
Kaisman?

A Neck doctor, back.

Q What did Dr. Kaisman do for you?

A He didn't. I got scared about the  
needle and I ran out. I was laying down, I  
saw the needle and just ran out. I could not  
do it.

Q How often did you see Dr. Kaisman?

A Twice.

Q What did he do for you during this  
time?

1 FROMETA

2 A He told me what he was going to  
3 do. He read the paper and he saw the MRI  
4 and then the neck stuff, and he told me what  
5 he was going to do. He wanted to do  
6 compression, first injection to kill the  
7 pain in my neck. Then if at that point does  
8 not go away he will have to do compression  
9 of the disc which was giving a problem.

10 Q Did you see Dr. Kaisman during the  
11 same time you saw Dr. Villatuerte, or a  
12 different time?

13 A At the same time.

14 Q Did Dr. Villafuerte or Dr. Kaisman  
15 refer you to any other healthcare providers?

16 A Sorry?

17 Q Did Dr. Villafuerte or Dr. Kaisman  
18 refer you to any other doctors or healthcare  
19 providers?

20 A Dr. Kaisman referred me to Dr.  
21 Babo for the lower back lumbar spinal cord  
22 injuries.

23 Q Is that Dr. Ramesh Babo?

24 A Yes.

25 Q At 530 First Avenue?

FROMETA

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A Yes.

Q Did you see Dr. Babo during the same time you saw Dr. Kaisman?

A No.

Q Were you seeing him another time?

A I didn't see Dr. Kaisman anymore. I didn't want to see him.

Q You went to Dr. Babo at the referral of Dr. Kaisman?

A Yes.

Q How often did you see Dr. Babo?

A Three or four times, four times before surgery.

Q Was that during the same time you were seeing Dr. Villafuerte, or sometime after?

A About the same time.

Q What did Dr. Babo do for you?

A Dr. Babo, he went over the records and he told me that my injuries, I have to wait almost two months. He described the pinch, it all came in before the time. He gave me time of two months. All the pain and numbness on my leg would go away for half

FROMETA

hour, or 10 minutes. I would not feel it, I would not walk. He said as soon as you feel that, meaning you will need surgery. You don't have to do it because it's your decision. We are telling you if you don't you are going to have like no leg.

MR. MILLER: I move to strike the entire portion of the answer as not responsive.

Q Ma'am, I am not asking about conversations you had with Dr. Babo. Did you ever receive treatment with Dr. Babo? What did he do for you?

A Treatment.

Q I want you to tell me only the treatment, not conversations you had with Dr. Babo?

A He operated on my lower back.

Q When did he operate on your lower back?

A The lumbar disc.

Q Not where, when?

A May 17th.

Q Where was this surgery held?



FROMETA

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A Cabrini Hospital.

Q Is Dr. Babo affiliated with  
Cabrini Hospital?

A I hope so, I think so.

Q Did you see any other medical care  
providers or doctors with regard to the  
treatment on your back?

A Yes, Dr. David.

Q Is that Andrew Davy?

A Yes. I didn't go to the medical  
center on 43rd Street anymore. I changed to  
the one closer to my home, to my mom.

Q Where is that?

A Westchester, it's in the Bronx, on  
Westchester Avenue.

Q 3262, Ranga Krishna?

A Yes, that's where I changed after.

Q Were you seeing Dr. Krishna before  
or after surgery?

A Before surgery.

Q What kind of doctor is Dr.  
Krishna?

A Neurologist.

Q What did Dr. Krishna do for you?

FROMETA

A He checked, look at my X-rays and MRI and he just basically told me what might be going on in the future for me. He recommended me to Dr. David.

Q You keep saying Dr. David, is this Dr. Davy?

A Dr. Davy.

Q What kind of doctor is Dr. Davy?

A He is a neurologist.

Q Did you see Dr. Davy before or after surgery?

A Before lower back surgery.

Q Did you see Dr. Davy at any time after surgery?

A Yes.

Q What did you see him for, after surgery?

A Dr. Davy after the surgery for neck injection and painkiller injection and electro, something very painful. He put four needles on one side, six on the other side and it's over seven days, and then you have to stay three months then do it again. This is what I needed, otherwise I feel like

1 FROMETA

2 electricity running from the spinal cord  
3 going to where the nerves are. They inject  
4 also the spinal cord. That liquid run in  
5 the spinal cord. The entire lower back  
6 turning into something very hard. That is  
7 a year, do and re-do for the rest of my  
8 life, otherwise I will not be able to walk  
9 correctly. That procedure last about 40  
10 minutes.

11 MR. MILLER: Let's take a

12 break.

13 (Whereupon, a brief recess  
14 was taken.)

15 Q Did there come a time that you had  
16 surgery?

17 A Sorry.

18 Q Did there come a time you had  
19 surgery?

20 A After the accident?

21 Q Yes.

22 A Yes.

23 Q Did the surgery take place on May  
24 17th 2007?

25 A Yes.

FROMETA

Q Did Dr. Babo perform the surgery  
at Cabrini Medical Center?

A Yes.

Q Do you know the kind of surgery  
you had?

A I don't know the name. He told me  
before, I forget, it's a fancy word. Lumber  
back surgery, he kind of cut something  
there, a bone or something.

Q Were you admitted into the  
hospital?

A Yes.

Q Did you spend the night?

A Two days.

Q Have you been admitted back into  
the hospital for any reason, since the  
surgery?

A No, sir.

Q Do you have any plans for any  
future surgery?

A Well, no. Yes, they still have to  
do the compression of the disc (indicating).

MR. PLATTA: Indicating the  
neck.

1 FROMETA

2 WITNESS: The neck and  
3 spinal cord. They have to refill that every  
4 year and a half or 2 years or then I am not  
5 able to walk. They have to do the lower  
6 back also, whenever it starts bothering me.  
7 Only when the leg does not work anymore I  
8 will have to go back.

9 Q Were you given any tickets with  
10 regard to this accident?

11 A No.

12 Q Did you have a driver's license in  
13 good standing?

14 A Yes.

15 Q What kind of driver's license was  
16 it?

17 A A regular driver's license.

18 Q Was it issued by New York State?

19 A New York State.

20 Q Did you have any restrictions on  
21 the license?

22 A No.

23 Q Did you wear glasses?

24 A Now I do, after the accident for  
25 reading or driving at night.

1 FROMETA

2 Q Are you aware whether your blood  
3 alcohol level was tested while you were in  
4 the emergency room at Cabrini Hospital, on  
5 February 14th 2007?

6 MR. PLATTA: Objection.

7 A I don't know.

8 Q Other than Cabrini Hospital, Dr.  
9 Villatuerte, Dr. Babo, Dr. Davy, Dr.  
10 Krishna, Westchester Medical, Stand Up MRI,  
11 is there any other healthcare providers?

12 A Those are the ones that I recall  
13 right now.

14 Q Do you have anything at home that  
15 might refresh your recollection whether you  
16 saw anyone else?

17 A No.

18 Q Is Dr. Krishna at 3262 Westchester  
19 Avenue associated with Westchester Medical  
20 Care P.C?

21 A Yes, sir.

22 Q Had you ever injured your back and  
23 neck, prior to February 2007?

24 A No, sir.

25 Q Had you ever been in a car

FROMETA

accident, prior to February 14, 2007?

MR. PLATTA: Objection.

A Yes, when I was in a car accident that was in LA. I was with my mom and sister. We were driving back where I used to live in Vegas before, it was rush hour. We are driving and the car in front of me -- everyone was driving close, it's very congested in LA. Everyone stop and I saw that and but I stop but the car in front of me stop too quickly, a small little red car with a Oriental older gentleman, a very old gentleman. I hit him.

Q Were you injured?

A No.

Q Other then that, were you involved in any other automobile accident, prior to February 14th 2007?

MR. PLATTA: Objection.

A I do not recall that. Someone hit me. I was leaving a parking lot, a diner in New Jersey. I looked behind me. I put the car in reverse. I keep looking going slowly. A large SUV just ran in my

FROMETA

headlight. Only the light on the back and he just took a headlight. The light still worked. He just took part of the material going over the light.

Q Were you injured?

A No, sir.

Q When did this happen?

A That happened I guess in maybe August, I think in August.

Q What year?

A This year, the police came over and he said, your car, put your car back.

MR. PLATTA: There is no question.

WITNESS: Sorry.

Q Did you report the accident to your insurance company?

A No, there was no need.

Q Were you involved in an accident on March 8th 2007?

A No, that's probably the one I am talking about. But I don't recall if it's the one in New Jersey. That was the car that hit the light on the back.



FROMETA

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Q What kind of car?

A Sorry?

Q What kind of car struck you?

A It looked like a large SUV. I  
don't remember.

Q What kind of car were you driving?

A My car.

Q What is your Social Security  
number?

A 058-68-6478.

Q So the record is clear. Do you  
have any recollection of being in an  
automobile incident on March 8th 2007?

A That was probably the one.

MR. PLATTA: Yes or no?

WITNESS: The one in New  
Jersey, yes.

Q That New Jersey accident happened  
in Englewood?

A Yes, sir, that's the one.

Q That accident happened in July  
2007?

A July.

Q That accident happened July 29,

1 FROMETA

2 2007?

3 A Yes.

4 Q Are you aware of an accident that  
5 occurred on March 8, 2007?

6 A No.

7 Q You never were in an accident  
8 involving another vehicle that was a Hyundai  
9 Sonata?

10 A No.

11 MR. PLATTA: Can we take a  
12 break?

13 MR. MILLER: Sure.

14 Q Was your vehicle involved in an  
15 incident on March 8th 2007?

16 A The vehicle was, I was at home  
17 asleep.

18 Q Where was the vehicle?

19 A Three blocks away from my mom.

20 Q Was it parked?

21 A It was parked.

22 Q Was it unoccupied?

23 A No people were inside.

24 Q Did someone strike your vehicle?

25 A It seems like that because I

FROMETA

1 didn't see it.

3 Q Did you file a claim?

4 A No, I didn't have money to file a  
5 claim.

6 Q Did you report it to your  
7 insurance carrier?

8 A I called them to let them know and  
9 they tell me to bring it over. They gave me  
10 the address to get it fixed and everything.  
11 And they asked me for \$500.00 and I didn't  
12 have it, that's why I did not take it.

13 Q Are you currently going for any  
14 physical therapy?

15 A Yes, sir.

16 Q Where are you going for physical  
17 therapy?

18 A On Westchester, in the Bronx.

19 Q What frequency are you going?

20 A Three days a week.

21 Q Who prescribed this for you?

22 A Dr. Krishna.

23 Q How do you feel as you sit here  
24 today?

25 A Sorry?

FROMETA

Q How do you feel?

A From one to ten one is good ten is bad. I say a nine, my neck, my lower back.

Q You testified earlier that you currently are not working. What do you do during the day?

A I just go to therapy. I do my walking maybe two or three blocks. I go to a bookstore and I read.

MR. MILLER: Let's take a break.

(Whereupon, a brief recess was taken.)

Q Ma'am, did you take any medication or drugs prior to coming here to testify today?

A Today, no.

Q Is there any medications that were prescribed to you to take that you chose not to take, before coming here today?

A They prescribe medication that is too expensive, I didn't have the money. Today I have migrans but I only use it at night to go to sleep.

FROMETA

Q Is there any medication, anything you are taking recently that affects your ability to testify today truthfully?

A No.

Q In the 24 hours prior to the February 14, 2007 incident, had you taken any prescribed medicines?

A No, only for one the back, they prescribe but then didn't want to pay, the insurance.

Q I will clarify my question. Listen to my question. February 14th, back at the time of the accident, 24 hours prior to that. During the 24 hour period prior to this accident, was there any medication that you were prescribed?

A No.

Q That was prescribed that you took?

A No.

Q Were there any medicines or prescriptions that you were supposed to have taken where you failed to take, 24 hours prior to the February 14, 2007 accident?

A No.

1 FROMETA

2 Q Other than the healthcare  
3 providers you testified about today, are  
4 there any other healthcare providers that  
5 you seen?

6 A No, sir.

7 Q Do you know when your neck  
8 surgical procedure is scheduled for?

9 A It's supposed to be about three or  
10 four weeks from now.

11 MR. MILLER: I note on the  
12 record, I reserve out right for  
13 further testimony with regard to any  
14 post care follow-up pertaining to the  
15 second surgery.

16 Q Ma'am, did you ever have an  
17 opportunity to review the police report?

18 A I did, yes.

19 Q When did you first see the police  
20 report?

21 A When I first got it.

22 Q Who gave it to you?

23 A The police department.

24 Q Did you read the description under  
25 the officer's notes?

1 FROMETA

2 A I looked at it, it's hard to  
3 understand for me. It's not my job. I am  
4 not a police officer.

5 Q How many lanes of traffic go east  
6 on 23rd Street?

7 A There is three lanes, one for  
8 parking and two for going east.

9 Q Is that the same on the west, side  
10 there is one lane for parking and two going  
11 west?

12 A Yes.

13 Q There is a total of six lanes  
14 across the entire street?

15 A Yes.

16 Q Do you recall looking at the  
17 accident diagram on the police report?

18 A Sorry?

19 Q Do you recall looking at the  
20 accident diagram on the police report?

21 A It looks familiar but I don't  
22 know.

23 MR. PLATTA: Yes or no,  
24 did you look at it when you reviewed  
25 the police report?

1 FROMETA

2 WITNESS: I looked at it,

3 yes.

4 Q Did you ever file a revised police  
5 report or MV104?

6 A I don't know what that is, sorry.

7 (Continued on next page to  
8 include jurat.)



FROMETA

Q Did you file any documents with  
the police department, after the accident?

A I don't remember.

Q Did you ever have an opportunity  
to speak to the driver of the other vehicle,  
since February 14th 2007?

A No.

MR. MILLER: I have no  
further questions.

-o0o-

(Whereupon, the deposition of  
Adonna Frometa was concluded at 12:05 p.m.)

ADONNA FROMETA

Subscribed and sworn to  
before me this day  
of , 2007.

Notary Public

## I N D E X

WITNESS	EXAMINATION BY	PAGE
Adonna Frometa	Mr. Miller	4

## EXHIBITS

NONE

## INFORMATION REQUESTED

DESCRIPTION	PAGE	LINE
Authorizations for medical records from Dr. Villatuerte	48	9
Excel Air pay stubs & employment records regarding plaintiff's schedule	51	14
Reserve right to further testimony regarding post care follow-up for second surgery	70	11

C E R T I F I C A T E

STATE OF NEW YORK )

: SS:

COUNTY OF QUEENS )

I, NANCY NASCA, a Shorthand Reporter  
and Notary Public within and for the State  
of New York, do hereby certify:

That ADONNA FROMETA, the witness whose  
deposition is hereinbefore set forth, was  
duly sworn by me, and that such deposition  
is a true record of the testimony given by  
such witness.

I further certify that I am not related  
to any of the parties to this action by  
blood or marriage, and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 12th day of December 2007.

  
NANCY NASCA

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